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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,426	08/20/2003	Ernest Oxenknecht	60680-1638	7013
10291	7590	04/21/2005	EXAMINER	
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			SICONOLFI, ROBERT	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/644,426		OXENKNECHT ET AL.	
	Examiner		Art Unit	
	Robert A. Siconolfi		3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8, 11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Amendment filed on 2/22/05 has been received.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/05 has been entered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-7, 11, 14-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al in view of Peterson.

Stephenson et al discloses:

See figure 3 upper base attached to nut 19, lower base 31, first isolation layer 16, second isolation layer 17, isolator attached to first layer 16, annular gap receives tubular portion of mounting surface 14

Stephenson et al does not disclose a first and second tubular member construction. Peterson teaches a first and second tubular member construction (12, 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to use the first and second tubular member construction as taught by Peterson in the device of Stephenson et al as it has several advantages. First, it eliminates the need to have a fastener screwed from both sides which is labor intensive and requires only one fastener. Second, it prevents the mount from being assembled improperly from misalignment. Third, the dimple spring mechanism prevents the mount from falling apart even if the fastener fails.

5. Claims 8, 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson, as modified, in view of Schmidt (U. S. Patent no. 3,390,709).

Stephenson, as modified, is relied upon as above in paragraph 5. Stephenson, as modified, does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Stephenson as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

Response to Arguments

6. Applicant's arguments filed 2/25/05 have been fully considered but they are not persuasive. Applicants argue that the examiner lacks motivation for the combination. The examiner disagrees. Applicant first argue that Stephenson teaches fasteners on

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only one side in figure 2 and therefore, would not have looked to other art for such a teaching. Examiner concedes that Figure 2 shows fasteners from one side but it also shows the use of multiple fasteners in a complicated configuration (labor intensive). Peterson uses one fastener in a simple configuration.

Applicants further argue that since Peterson has more parts, it is more likely to become misaligned. In the particular case of Peterson, this is incorrect. Peterson uses features like the hexagonal surfaces 26,38 to ensure that the elements can only be assembled in a correct orientation. Furthermore, the nested tubes as shown prevents misalignment.


Applicants further argues that failure of the fastener would cause the device of Peterson to fail. The examiner disagrees. If the fastener fails below the dimple 42 in the inner tube, the device would be held together by the interface of the fastener and the dimple.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/15/05
Robert A. Siconolfi
Primary Examiner
Art Unit 3683

RS